

EXHIBIT 17

OFT(S) _____ PIF(S) 1 EXHIBIT FOR L.D.
TERRY R. BANKER, CSR # 7442
DATE 8/1/00
WITNESS N. Anderson 8/1/00

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ATTORNEYS FOR PLAINTIFF
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

COMMUNITIES FOR A BETTER
ENVIRONMENT, a California
Non-Profit Corporation, on behalf
of the General Public,

Plaintiff

vs.

UNOCAL CORPORATION, a Delaware
corporation, et al.,

Defendants

CIVIL NO. 997013

SECOND AMENDED NOTICE
OF DEPOSITION

1 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

2 YOU ARE HEREBY NOTIFIED THAT THE DEPOSITION OF a corporate representative
3 of MOBIL OIL CORPORATION ("Mobil") will be taken at Howrey Simon Arnold & White, 550
4 S. Hope Street, Suite 1400, Los Angeles, California 90071-2604, at 10:00 a.m. on August 11, 2000,
5 and continuing from day to day thereafter.

6 I.

7 **DEFINITIONS**

8 A. As used herein, the words "YOU" or "YOUR" mean Defendant Mobil, its agents,
9 representatives, employees, attorneys and/or any other individuals or entities acting for or
10 on its behalf.

11 B. As used herein, the words "DOCUMENT" or "DOCUMENTS" are defined to include any
12 and all manner of written, typed, printed, reproduced, filmed or recorded material, and all
13 photographs, pictures, plans, drawings, or other representation of any kind of anything
14 pertaining, describing, referring or relating, directly or indirectly, in whole or in part, to the
15 subject matter of each Document Request, and the terms include, but without limitation,

- 16 1. papers, books, journals, ledgers, statements, memoranda, reports, invoices,
17 worksheets, work papers, notes, transcription of notes, letters, correspondence,
18 abstracts, diagrams, plans, blueprints, specifications, pictures, drawings, films,
19 photographs, graphic representations, diaries, calendars, desk calendars, lists, logs,
20 publications, advertisements, instructions, minutes, orders, messages, resumés,
21 summaries, agreements, contracts, telegrams, telexes, cables, recordings, electronic
22 mail, audio tapes, transcriptions of tapes or recordings, or any other writings or
23 tangible thing in which any forms of communications are recorded or reproduced, as
24 well as all notations on the foregoing; and
- 25 2. original and all other copies not absolutely identical; and
- 26 3. all drafts and notes (whether typed or handwritten or otherwise) made or prepared in
27 connection with each such DOCUMENT, whether used or not.

1 C. As used herein, the term "IDENTIFY," when used with reference to a DOCUMENT or
2 DOCUMENTS, means to state for each such DOCUMENT:

- 3 1. its nature, e.g., letter, memorandum, photograph, etc.; and
- 4 2. its title or designation; and
- 5 3. the date it bears; and
- 6 4. the name, title, business affiliation and business address of the PERSON by whom
7 the DOCUMENT was prepared; and
- 8 5. the name, title, business affiliation and business address of all PERSONS to whom
9 the DOCUMENT was directed; and
- 10 6. the statement of the subject and substance of the DOCUMENT; and
- 11 7. a precise description of the place where such DOCUMENT is presently kept,
12 including (i) the title or the description of the file on which such DOCUMENTS
13 would be found; and (ii) the exact location of such file; and
- 14 8. the name, title, business affiliation and business address of each PERSON who
15 presently has custody of such DOCUMENTS; and
- 16 9. whether you claim any privilege as to such DOCUMENT and, if so, a precise
17 statement of the facts upon which said claim of privilege is based.

18 D. As used herein, the word "PERSON" shall be deemed to mean, in the plural as well as in the
19 singular, any natural PERSON, firm, association, partnership, corporation, or other form of
20 legal entity, as the case may be.

21 E. As used herein, the term "IDENTIFY" each "PERSON" means to state for each such
22 PERSON:

- 23 1. his or her name; and
 - 24 2. his or her current business affiliation and title; and
 - 25 3. his or her current business address, or if that is unknown, the last known business
26 address; and
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- 1 4. the business affiliation, business address and the correct title of such PERSON with
2 respect to the business organization or entity with which he or she was associated.
- 3 F. As used herein, the term "PLAINTIFF" means the PLAINTIFF Communities for a Better
4 Environment, a California non-profit corporation.
- 5 G. As used herein, the term "DEFENDANT" or "Mobil" means MOBIL OIL CORPORATION,
6 its officers, employees, directors, agents, representatives, or anyone acting on its behalf.
- 7 H. "COMPLAINT" refers to PLAINTIFF's last filed pleading which states its causes of action
8 and seeks damages from Mobil.
- 9 I. "MTBE" as used herein refers to the fuel additive known as methyl tert-butyl ether.
- 10 J. As used herein, the term "REFINERY" or "REFINER" means a plant at which gasoline or
11 diesel fuel is produced, as defined in 40 C.F.R. § 80.2(h).
- 12 K. "Characteristics in groundwater" as used herein refers to any and all issues related to either
13 the solubility, degradation, biodegradation, remediation issues and/or all other reference to
14 how MTBE or gasoline containing MTBE reacts in groundwater.
- 15 L. "UST Storage System", as used herein, refers to the underground storage tanks and related
16 piping.
- 17 M. "Site", as defined herein, refers to any refinery, bulk loading facility, terminal or retail
18 gasoline station where MTBE or gasoline containing MTBE is stored in a UST Storage
19 System owned by Mobil.

20 **II.**

21 **DEPOSITION MATTERS**

22 **YOU ARE FURTHER NOTIFIED THAT:**

23 The deponent is not a natural person. The matters on which the deponent will be examined
24 are as follows:

- 25 1. Discuss generally by being able to identify the sites in California where MTBE has
26 been detected in soil and/or groundwater where Mobil owns the UST Storage
27 System.
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2. Discuss the testing methods available for determining if MTBE is present in groundwater including whether these tests have ever been employed by or on behalf of Mobil and the approximate costs of each testing method.
3. Discuss the results of any surveys or studies conducted by or on behalf of Mobil at California sites where Mobil owns the UST Storage System where MTBE has been sampled for in either the soil and/or groundwater.
4. Discuss the method(s) by which Mobil has kept a list or inventory of which UST Storage Systems owned by Mobil in California have experienced a leak or are listed as likely to experience a leak. (The time period for this topic will be 1980 to the present. An example of this topic would be the company's Tank Integrity Program Survey, if any.)
5. Discuss the results of any surveys or studies conducted by or on behalf of Mobil that identified the UST Storage Systems owned by Mobil in California that have experienced a leak or are listed as likely to experience a leak. (The time period for this topic will be 1980 to the present. An example of this topic would be the company's Tank Integrity Program Survey, if any.)

Mobil is under a duty to designate and produce the officers or employees "most qualified" to testify on its behalf having knowledge of such matters.

III.

DOCUMENT REQUESTS

The deponent, who is a party to this action, is required to produce the following documents, records or other materials at said deposition:

1. Any and all DOCUMENTS, including lists, graphs, charts, surveys, studies, summaries or compilations, that set forth the sites in California where MTBE has been tested for and/or detected in soil and/or groundwater where Mobil owns the UST Storage System.

1 2. The results of any surveys or studies conducted by or on behalf of Mobil where
2 MTBE was sampled for at sites in California where Mobil owns the UST Storage
3 System.

4 3. From 1980 to the present, all Documents, including a list, summary sheet, chart,
5 survey, study or inventory sheet, which identifies the UST Storage Systems owned
6 by Mobil that have either experienced a leak or are listed as likely to experience a
7 leak. This Requests includes, but is not limited to, any Mobil Tank Integrity
8 Program Corrosion Survey Field Report or other similar document. (If such
9 documents are kept on a state by state basis, then this Request is limited to
10 California.)

11 4. The deponent's personal file regarding MTBE.

12 The deposing party intends to cause the proceedings to be recorded both stenographically and
13 by videotape.

14 A list of all parties or attorneys for parties on whom this Notice of deposition is being served
15 is shown on the accompanying Proof of Service.

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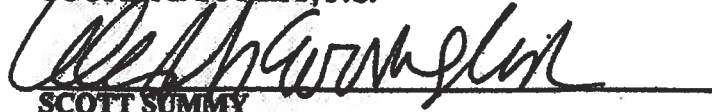
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27

28

1 Respectfully submitted,

2 **COOPER & SCULLY, P.C.**

3 

4 **SCOTT SUMMY**

5 State Bar No. 19507500

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ATTORNEYS FOR PLAINTIFF CLASS

PROOF OF SERVICE

I am employed in the County of Dallas, Texas. I am over the age of 18 years and not a party to the within action; my business address is Founders Square, 900 Jackson Street, Suite 100, Dallas, Texas 75202.

On July 31, 2000, I served the foregoing document: **SECOND AMENDED NOTICE OF DEPOSITION**

☒ By placing a true and correct copy thereof in a sealed envelope with postage affixed thereon fully prepaid in the United States mail at Dallas, Texas, addressed as follows:

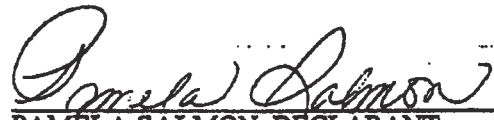
SEE ATTACHED SERVICE LIST

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, all mail is deposited with the U.S. Postal Service on the same day with postage thereon, fully prepaid at Dallas, Texas, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postage meter date is more than one day after date of deposit for mailing in the affidavit.

☐ I delivered a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

☒ I declare under penalty of perjury, pursuant to the laws of the State of Texas, that the above is true and correct.

Executed on July 31, 2000 at Dallas, Texas.


PAMELA SALMON, DECLARANT